

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

R. SHEIN,

Plaintiff,

v.

WEBMD, LLC,

Defendant.

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) Index No. 22-5361
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) **COMPLAINT**
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Plaintiff’s direct supervisor repeatedly propositioned her, begging for “just one night”; confessed his undying love; explained that he wanted to be the “Jay-Z and Beyonce” of the creative industry with Plaintiff; and continually made advances on Plaintiff despite her clear rejections and rebuffing of his interest. The work environment got so bad that Plaintiff considered quitting simply to get away from the situation, and resorted to putting on her headphones to pretend to listen to music simply to avoid interacting with him. The harasser’s supervisor, in turn, was known for sleeping around with co-workers, and having an office affair which eventually led to a divorce.

Defendant WebMD, LLC has fostered an anything-goes hostile work environment suffused with sexualization and gender discrimination. Defendant offers lower salaries to women than men with comparable experience and credentials upon hire, and then bakes the salary disparities in when employees are promoted, compounding discrimination in compensation throughout its ranks.

This an egregious case of sexual harassment and gender discrimination that must be swiftly remedied.

Plaintiff R. Shein (“Ms. Shein”), by and through her undersigned counsel Josh Bernstein P.C., alleges as precedes and follows. In accordance with Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial of this action.

Nature of the Suit:
Sexual Harassment and Discrimination

1. Plaintiff brings suit under the New York City Human Rights Law (“NYCHRL”), New York City Administrative Code § 8-101, et. seq., and the Equal Pay Act of 1963, 29 U.S.C. § 206 et. seq..

The Parties

2. Plaintiff R. Shein is a female adult U.S. citizen residing in the state of New York.

3. Defendant WebMD, LLC (“WebMD”) is the leading online health publisher in the United States, and is headquartered in New York, NY.

The Facts

Ms. Shein Successfully Discharges Her Duties and is Repeatedly Promoted

4. Ms. Shein began working for WebMD as a Web Designer in May 2017. Throughout her employment with Defendant, Plaintiff worked out of Defendants’ Manhattan headquarters.

5. Ms. Shein secured a promotion to Senior Web Designer in September 2018.

6. Ms. Shein was promoted again to Creative Manager in April 2021.

Ms. Shein Discovers Salary Disparities on the Basis of Gender

7. Once Ms. Shein was promoted to Creative Manager, she was exposed to employee salary data, and was shocked to find substantial salary disparities on the basis of gender across the company.

8. For example, Ms. Shein discovered that a male Web Designer with comparable or worse credentials and experience than Ms. Shein who began working for WebMD one month before she joined the company was making ten thousand dollars more than she had in that position.

9. WebMD has a practice of offering female candidates lower salaries than men for the same position. Ms. Shein is aware of other female Web Designers who were offered substantially lower salaries than their male counterparts, despite having comparable credentials and experience.

10. This discrimination in pay on the basis of gender is compounded as employees were promoted. Female employee's lower initial salaries became the basis from which new salaries were computed in promoted positions. By the time Ms. Shein became a Creative Manager, she was making approximately seventeen-thousand dollars less than her male counterparts.

Ms. Shein Begins Working Closely With Her Future Harasser

11. Following her promotion to Senior Web Designer, the layoff of one Lead Designer and the resignation of another, Ms. Shein began working closely with Associate Creative Director E. Lee ("Mr. Lee"). Ms. Shein and Mr. Lee's desks were adjacent.

12. Ms. Shein and Mr. Lee had a professional work relationship until Mr. Lee began having marital difficulties and went through a divorce, at which point he became a completely different person.

Mr. Lee Propositions Ms. Shein at an Offsite Team Gathering

13. On or about April 19, 2019, Mr. Lee, Ms. Shein, and the rest of their team went out for drinks. At the end of the night, when everyone was figuring out their transportation

home, Ms. Shein noticed Mr. Lee had not taken out his phone to order a car. Ms. Shein told him to order an Uber since everyone was calling it a night.

14. Mr. Lee responded that as long as she knew where “we’re” going, he was “good”. Ms. Shein did not initially catch the import of Mr. Lee’s comment as he was quite drunk, and asked for his phone to order an Uber for him. Mr. Lee declined, again stating that he didn’t need an Uber if Ms. Shein knew where she was going. This comment did not make any sense to Ms. Shein at the time, and she brushed it off and asked for Mr. Lee’s phone again to order him an Uber. It was not until she was in her own Uber on the way home that it dawned on her that Mr. Lee had been asking to come home with her.

15. Back in the office, Mr. Lee became obsessed with taking down the dividers between his and Ms. Shein’s desk. Ms. Shein ultimately realized that Mr. Lee was trying to get physically closer to her.

16. Mr. Lee also routinely complimented Ms. Shein’s physical appearance, making comments to Ms. Shein about how she’s in shape, and lauding her for being so thin.

17. Mr. Lee also started messaging Ms. Shein after hours with seemingly drunk texts that were not work related, asking her what she was up to, which she felt obligated to respond to.

Mr. Lee Tricks Ms. Shein into a One-on-One Bar Outing

18. On or about May 6, 2019, Mr. Lee left early for the day and sent Ms. Shein a message over Slack to see if she was free for drinks on May 9, 2019. Ms. Shein believed Mr. Lee was simply messaging everyone on the team to see if they were free for happy hour drinks that day, and did not think anything of it at the time.

19. On May 9, 2019, Mr. Lee sent a Slack message to Ms. Shein to meet him out front in the lobby to head out for drinks. When Ms. Shein arrived in the lobby, only Mr. Lee was there, and it turned out the rest of the team had not been invited.

Mr. Lee Discloses his Marital Troubles

20. At the bar, Mr. Lee started asking Ms. Shein about her family history in such a manner that it felt as if he was sizing her up as a romantic partner. He asked Ms. Shein if she wanted to have children, which made her uncomfortable, and she tried to brush it off by saying she wasn't sure. Mr. Lee kept pressing her on the point, and she finally relented and said probably not, but if she did, she would adopt. Mr. Lee became upset at Ms. Shein, and told her that she was crazy to not want to have biological children of her own, considering what she could "offer".

21. Mr. Lee then unloaded about the issues he had been having with his wife. Mr. Lee explained that his wife did not want to have children, and that she cheated on him with an ex-boyfriend. Mr. Lee disclosed that he was in the process of getting divorced.

**Mr. Lee Confesses his Feelings for Ms. Shein, Touches Her,
and Refuses to Take No for an Answer**

22. Mr. Lee continued explaining the history of his relationship, and then, out of nowhere, started to rub Ms. Shein's back. Ms. Shein was startled and immediately withdrew to the bathroom.

23. When she returned, she noticed that Mr. Lee had moved her chair closer to his, which she moved back away as she sat down. At this point, Ms. Shein was extremely uncomfortable, and told Mr. Lee that she was going to head home after she finished her drink, which he seemed sad about.

24. Mr. Lee proceeded to confess that he was in love with Ms. Shein, explaining that he's never felt this way about anyone else. He told Ms. Shein that he wanted them to get married and have kids together, among other overtures. Mr. Lee said he wanted them to be the Jay-Z and Beyonce of the creative industry.

25. Ms. Shein explained that she was flattered, but not interested. Ms. Shein explained that she never looked at him that way since he was her boss, and simply thought they had a strong working relationship.

26. Mr. Lee cringed when Ms. Shein referred to him as her "boss", and told her that he hates when she refers to him that way. She replied that is simply how it is and that he needed to be reasonable and recognize that he is her boss regardless of whether he liked it or not.

27. It was around this time that Ms. Shein looked at Mr. Lee's hand and noticed that he was not wearing his wedding ring.

28. Mr. Lee kept insisting that he didn't believe Ms. Shein didn't feel the same way about him, and Ms. Shein made clear that she did not. Ms. Shein ultimately told him that they should just call it a night and get the bill.

29. As they were waiting for the bill, Mr. Lee began to beg Ms. Shein for "just one night". Ms. Shein repeatedly told him no and that she just wanted to keep things professional. Mr. Lee eventually gave up trying to convince Ms. Shein, and they left.

30. Ms. Shein tried to say goodbye to Mr. Lee outside of the bar, but he insisted that he was going to take the same subway as her instead of walking over to his normal line.

31. Ms. Shein told him not to get any ideas; that he would be getting on the opposite side of the platform since they were going different directions, and that he certainly would not be coming home with her. Mr. Lee replied that was fine, and said not to worry.

32. Nonetheless, once they got down into the subway and were splitting off to their respective platform, Mr. Lee asked for a hug. Ms. Shein did not want to hug Mr. Lee, but felt pressured to do so.

33. Mr. Lee proceeded to try to kiss Ms. Shein, which Ms. Shein immediately pulled away from and told Mr. Lee that she just wanted things to remain professional and not make it weird moving forward.

Mr. Lee Makes Another Pass the Same Night Over Slack

34. At 11:18 P.M., Mr. Lee messaged Ms. Shein: “Had fun”, to which Ms. Shein responded: “Same”. Mr. Lee then made another pass at Ms. Shein: “You don’t need hinge. I’m right here”.

35. Ms. Shein responded: “Haha come on...Got to be practical”.

36. Mr. Lee replied: “I usually am practical but you’re different...I have never felt this way about a girl. I’m being honest. It’s cool. I’m glad i’m getting it off my chest...But I get where your heads at”. Slack message of 5/9/2019 annexed hereto as Exhibit 1.

37. Just a couple of minutes earlier, Ms. Shein texted her friends, explaining that Mr. Lee “made a move”, confessed his love for her, and despite her rejection said that one day they would get married and have a family. Ms. Shein concluded her text to her friends: “I feel like [sic] I need to find a new job”. Text message of 5/9/2019 annexed hereto as Exhibit 2.

**Mr. Lee Reiterates His Romantic Intentions and
Brings a Friend to Work to Size Ms. Shein Up**

38. The following morning, Mr. Lee sent Ms. Shein a message apologizing for being “out of line”, but explaining that he still meant what he said.

39. Ms. Shein responded that she just wanted to keep things professional.

40. Mr. Lee replied: “You’re the whole package”. Slack message of 5/10/2019 annexed hereto as Exhibit 3.

41. Mr. Lee brought a friend by the office that day after lunch, which was unusual.

42. Mr. Lee and his friend lurked in the area around Ms. Shein’s desk, sizing her up, watching her and making her very uncomfortable. It was clear to Ms. Shein that Mr. Lee had brought his friend to work to show him the girl he was interested in. Mr. Lee’s friend eventually left, and Mr. Lee again asked about taking down the divider between their desks before the team moved into a new row the following week.

43. Earlier that day, Ms. Shein texted her friends relaying Mr. Lee’s apology. Ironically, one of her friends joked that the silver lining to the whole series of incidents would be that Mr. Lee wouldn’t bring up taking down the dividers again.

44. Relaying the impact Mr. Lee’s conduct had on her in the same conversation, Ms. Shein remarked: “I really want to just crawl into a hole. I need the weekend to come already”. Text message of 5/10/2019 annexed hereto as Exhibit 4.

45. Later that afternoon, Mr. Lee sent Ms. Shein a picture of a pair of sunglasses he thought it would be funny for the team to have. After some back and forth on the sunglasses, Mr. Lee reaffirmed his romantic interest in Ms. Shein, stating: “When you decide not to be shy, I’m all in. Until then I’ll be professional and of course, always got your back. [winking emoji]” Slack message of 5/10/2021 annexed hereto as Exhibit 5.

Mr. Lee Tries to Get Ms. Shein Alone with Him

46. Mr. Lee scheduled a 1:1 meeting with Ms. Shein for May 15, 2019.

47. Ms. Shein texted her friends about the meeting that morning, explaining that she was not ready to be alone with Mr. Lee. Text message of 5/15/2019 annexed hereto as Exhibit 6.

48. Thankfully, Mr. Lee cancelled the meeting over slack, but told Ms. Shein to reach out to him with any issues even if not work related, “always up for a chat”. Ms. Shein relayed this message to her friends, one of whom immediately replied: “This is nuts”. Subsequent text message of 5/15/2019 annexed hereto as Exhibit 7.

Mr. Lee Lurks Around Ms. Shein’s Desk to Ask Her Out Again

49. The next day, Mr. Lee was hanging around at the end of the day, looking like he was working up the courage to ask Ms. Shein out. Accordingly, Ms. Shein got up from her desk and went to another row to catch up with a coworker and hide out until Mr. Lee left.

50. After Mr. Lee left for the day, he messaged Ms. Shein over slack asking: “Are you going to be reluctant to ever get a drink again?” (followed by two playful emojis). Slack message of 5/16/2019 annexed hereto as Exhibit 8. Mr. Lee then deleted the message before Ms. Shein could respond.

51. Ms. Shein texted with her friends about this unnerving chain of events, including noting that she had to hide from Mr. Lee when he was lurking about. Text message chain of 5/16/2019-5/20/2019 annexed hereto as Exhibit 9. By the last message in Exhibit 9, Ms. Shein and her friends began to use the pseudonym “Brenda” to refer to Mr. Lee in case he happened by while Ms. Shein was texting.

Mr. Lee Freezes Ms. Shein Out, Causing Her to Consider Resigning

52. On May 22, 2019, Ms. Shein mentioned to her friends that “Brenda” had been so distant. One of her friends responded that maybe he got the hint and is now behaving how a person should after they’re told that someone does not reciprocate their feelings.

53. Ms. Shein responded: “Yeah but now I feel like it’s affecting the work relationship. And I’m being cut off altogether”. Ms. Shein later mused: “I should just quit. That’ll solve everything.”. Text message of 5/22/2019 annexed hereto as Exhibit 10.

**Mr. Lee Sends an Inappropriate After-Hours Message
and Informs Ms. Shein He Has Communicated with Directors About Her**

54. On May 25, 2019, Mr. Lee sent Ms. Shein a bizarre morning message over slack, and then followed-up a few hours later with a message disclosing that he had emailed a number of Directors about Ms. Shein explaining that her know-how needs to be tapped but he can’t do it on his own.

55. Ms. Shein took this as Mr. Lee taking advantage of his supervisory role to position himself as Ms. Shein’s champion.

Mr. Lee Removes Himself from Team Drinks

56. On June 10, 2019, the team went out for drinks and Mr. Lee didn’t join, saying he thought they would have more fun without their boss and providing his credit card to cover expenses. Ms. Shein took this as Mr. Lee trying to avoid situations he might regret and understanding that what he had done was inappropriate.

Mr. Lee Cyberstalks Ms. Shein on Instagram and Sends her a Bizarre Message

57. On June 16, 2019, Ms. Shein received an Instagram friend request from Mr. Lee stating: “You exist. You do not have to accept request. I totally get it. No worries at all!”

58. Ms. Shein took a screenshot of the message and sent it to her friends, explaining that she thought things were getting back to normal with “Brenda” until she woke up to this message. Text message of 6/16/2019 annexed hereto as Exhibit 11.

59. Sometime during the same time period, a senior manager came over to Ms. Shein to inform her that Mr. Lee had pointed out an intern that he thought was attractive and was going to ask out.

Ms. Shein Self-Isolates to Avoid Mr. Lee

60. Over the summer of 2019, Ms. Shein decided that the wisest course of action would be to avoid Mr. Lee as much as possible. She focused on her work and did not discuss anything outside of projects with him.

61. Ms. Shein would barely make eye contact with Mr. Lee, and would keep her headphones in all day even if she wasn’t listening to music just to avoid talking to him. Ms. Shein stopped going to work social events and kept coming up with excuses to avoid team drinks because she didn’t want to spend any more time around Mr. Lee than she had to.

Mr. Lee Reverts to Form, and Becomes the Office Creep

62. On October 30, 2019, Mr. Lee sent Ms. Shein a message about her life plans: “Do you see yourself as someone that can’t buy into the expected life plan of kids, suburbs, dog, neighbors like Nance and Dom. Know what I mean? I’m projecting of course...Also ok not to get into it. [thumb’s up emoji]”. Slack message of 10/30/2019 annexed hereto as Exhibit 12. This message was consistent with Mr. Lee’s preoccupation with Ms. Shein’s childbearing plans.

63. Over the following months, other female co-workers approached Ms. Shein to show her inappropriate messages Mr. Lee had been sending them outside of work hours. These messages included asking them if they had a boyfriend and other inappropriate, pseudo-prurient content. These co-workers and Ms. Shein agreed that Mr. Lee had become the office creep.

Mr. Lee is Reported for Leering at the New Team Resource Manager

64. On or about the week of December 4, 2019, a new team Resource Manager started, and during the team's daily standup she shared some of her interests, including that she participated in body building competitions.

65. Mr. Lee kept asking questions about how she prepared for it, what she ate, what she wore, and her exercise routine. As she explained each routine, the team all saw Mr. Lee looking at her body and didn't know how to make the conversation stop, furtively eyeing each other how awkward it was getting.

66. After Mr. Lee asked the new team Resource Manager if she would send him pics, a teammate blurted out "inappropriate", and Mr. Lee got flustered and said they were making it more than what it is and to back off. The team all got up shortly afterwards to leave the conference room, and privately messaged each other that they couldn't believe how that unfolded.

67. Ms. Shein went over to the Resource Manager's boss to let him know what happened. This manager then reported it to his boss, since he was also concerned about Mr. Lee's behavior.

**Mr. Lee Congratulates Ms. Shein on a Good Presentation
by Telling Her It's "Better than cocaine"**

68. On February 6, 2020, Mr. Lee emailed Ms. Shein congratulating her on a good presentation, saying that it feels great when you have a good presentation, "Better than cocaine".

69. Ms. Shein ignored the message at first, but the next day told him not to email her that kind of stuff since it's not appropriate for work. Mr. Lee told Ms. Shein to stop being so uptight and that if they knew half of the stuff he did at work, he would have been fired long ago. He also told Ms. Shein that she wasn't "fun" anymore, which is a recurring comment he made to her commencing after the Spring of 2019.

Mr. Lee Physically Corners Ms. Shein in the Kitchen

70. On or about the week of February 9, 2020, Ms. Shein told Mr. Lee that she was frustrated how Mr. Lee was letting an Account Manager push her around with unreasonable asks.

71. Mr. Lee snapped at Ms. Shein, raising his voice and clearly communicating his anger, stating that he couldn't understand why she was being so "difficult".

72. Ms. Shein fled to the restroom, as she was quite upset by Mr. Lee's conduct. When Ms. Shein went to walk back to her desk, Mr. Lee was waiting for her in the kitchen area, and confronted her again, asking why she was being so "difficult"; physically cornering her in the kitchen; and asking her why she wasn't "fun" anymore.

73. Ms. Shein was so distressed she looked up at the cameras that were in the ceiling, and kept hoping someone would walk by to grab coffee and interrupt this frightening display.

Mr. Lee Skeeves Out Other Female Co-Workers

74. On or about February 13, 2020, Mr. Lee hung around after normal work hours volunteering to make candy grams after he saw that some female co-workers that he was romantically interested in were involved.

75. Two were co-workers that Ms. Shein knew he had inappropriately messaged since they had shared that with her previously.

76. During the making of the candy grams, one of Ms. Shein's female co-workers kept running over to Ms. Shein's desk updating her on how awkward it was with Mr. Lee there, and disclosing that he had brought wine.

Mr. Lee's Employment Ends, but He Continues to Pester Ms. Shein

77. Mr. Lee's employment with WebMD ended on or about March 11, 2020.

78. Shortly thereafter, Mr. Lee sent Ms. Shein a message that would expire in 24 hours, insinuating that it was her own fault for being underpaid.

79. A week later, Mr. Lee reached out to another team member to have him ask Ms. Shein if she had read the message and inquiring how she was doing. As time passed, Mr. Lee reached out to other co-workers to try to get updates on Ms. Shein. He requested Ms. Shein on LinkedIn, which she rejected, and she also blocked him on Instagram.

Ms. Shein Finds a New Job

80. Ms. Shein left WebMD for a position at another company in August, 2021.

The Parties Enter a Tolling Agreement

81. Effective April 7, 2022, Plaintiff and Defendant entered into a 120-day tolling agreement.

First Cause of Action:
Sexual Harassment Under the New York City Human Rights Law

82. Plaintiff repeats and realleges the allegations contained in paragraphs 1-81 inclusive as if they were fully set forth herein.

83. The aforesaid actions of the Defendant constitute a violation of the New York City Human Rights Law, New York City Administrative Code § 8-101 et. seq..

84. As a result of Defendant's violation of the New York City Human Rights Law, Plaintiff has suffered and continues to suffer economic losses, mental anguish, pain and suffering and other damages. Plaintiff is also entitled to and demands an award of attorney's fees, costs, interest and, because Defendant's actions were willfully or wantonly negligent or reckless of Plaintiff's rights, or consciously disregarded Plaintiff's rights, punitive damages.

Second Cause of Action:
Pay Discrimination Under the New York City Human Rights Law

85. Plaintiff repeats and realleges the allegations contained in paragraphs 1-81 inclusive as if they were fully set forth herein.

86. The aforesaid actions of the Defendant constitute a violation of the New York City Human Rights Law, New York City Administrative Code § 8-101 et. seq..

87. As a result of Defendant's violation of the New York City Human Rights Law, Plaintiff has suffered and continues to suffer economic losses, mental anguish, pain and suffering and other damages. Plaintiff is also entitled to and demands an award of attorney's fees, costs, interest and, because Defendant's actions were willfully or wantonly negligent or reckless of Plaintiff's rights, or consciously disregarded Plaintiff's rights, punitive damages.

Third Cause of Action:
Equal Pay Act

88. Plaintiff repeats and realleges the allegations contained in paragraphs 1-81 inclusive as if they were fully set forth herein.

89. The aforesaid actions of the Defendant constitute a violation of the Equal Pay Act of 1963, 29 U.S.C. § 206 et. seq.

90. As a result of Defendant's violation of the Equal Pay Act, Plaintiff has suffered and continues to suffer economic losses and other damages. Plaintiff is also entitled to and demands an award of attorney's fees, costs, interest and, because Defendant's actions were willful, liquidated damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff R. Shein prays for the following relief: Judgment against Defendant awarding damages in an amount to be determined at trial including economic damages, lost wages. compensatory damages, treble and/or liquidated damages, punitive damages, penalties, costs, interest, attorney's fees, and an award of such other and further relief as the Court deems just and proper.

Dated: June 24, 2022

Josh Bernstein, P.C.
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By: /s/
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